

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION

In the matter of:)	Order No. R8-2004-0036
)	for
Holliday Rock Company, Inc.)	Administrative Civil Liability
2193 West Foothill Blvd.)	
Upland, CA 91786)	
<u>Attention: Mr. John Holliday</u>)	

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), held a hearing on March 12, 2004 to receive testimony and take evidence on the allegations contained in Complaint No. R8-2004-0023, dated February 11, 2004, and on the recommendation for the imposition of administrative civil liability pursuant to Water Code Section 13385 in the amount of \$ 70,000. The Board finds as follows:

1. On April 17, 1997, the State Water Resources Control Board adopted Waste Discharge Requirements, Order No. 97-03-DWQ, (NPDES No. CAS000001), General Permit for Storm Water Discharges Associated with Industrial Activities (Permit). Holliday Rock Company, Incorporated (Holliday Rock), operated its facility at Construction Circle in the City of Irvine without obtaining coverage under the Permit at least from November 7, 2000 to January 23, 2003 thereby violating Section 13376 of the Water Code. Section 13376 of the Water Code requires that any person discharging or proposing to discharge pollutants to the navigable waters of the United States, within jurisdiction of this state, shall file a report of the discharge in compliance with Section 13260 of the Water Code at least 180 days prior to the discharge. Holliday Rock obtained coverage under the Permit on January 23, 2003, WDID 830I017794. The Permit requires Holliday to develop and implement a Storm Water Pollution Prevention Plan (SWPPP) that includes Best Management Practices (BMPs) that achieve the Best Available Technology/Best Conventional Technology (BAT/BCT) standard. The Permit also prohibits the discharge of materials other than storm water, with very limited exceptions.
2. On November 7, 2000, a joint inspection of the Holliday Rock site (facility) was conducted by Orange County staff and Board staff. Prior to entering the facility, it was noted that vehicle wash water had been allowed to run off the facility and discharge into the street. Facility staff were unable to produce any documents pertaining to the storm water program at that time. Facility staff were informed that unauthorized non-storm water discharges from the facility were a violation of the Permit and that based on site topography, the primary BMP implemented at the facility exit (a six-inch wide swale) was inadequate to control runoff of contaminated storm water and unauthorized non-storm water from the facility. A Pollution Investigation/Notification Request Form was completed by County personnel and a copy was given to facility staff. The correction required was to "... contain water onsite and train employees."

3. On January 7 and 10, 2003, Board staff re-inspected the facility. Each time, Mr. Anderson, the plant manager, was washing concrete spillage off the driveway and the flow was overwhelming the water retention system at the entrance/exit of the facility and the resulting runoff was entering the street. Each time, the plant manager was informed that the unauthorized non-storm water discharge was prohibited and during the January 10, 2003 inspection, Board staff determined that Holliday Rock had not filed for coverage for this facility under the Permit, and the plant manager was instructed to immediately file a Notice of Intent and cease the prohibited discharge of wash water.
4. On January 23, 2003, a Notice of Intent was submitted by the facility operators, at least 808 days after commencement of industrial activities at this facility.
5. On August 13, 2003, Board staff conducted a drive-by inspection of the facility. As before, Board staff observed an unauthorized non-storm water discharge from the facility entrance/exit into the street. Due to time constraints, no contact was made with facility personnel.
6. On September 8, 9 and 19, 2003, drive-by inspections were performed by the City of Irvine Code Enforcement Unit. On each of these three occasions, the City inspectors noted that the same wash down procedures and runoff to the street were still occurring. Photos and email were sent to Board staff for follow-up enforcement.
7. Water Code Section 13385(a)(2) provides that any person who violates waste discharge requirements shall be civilly liable. Section 13385(c) provides that civil liability may be administratively imposed by a regional board in an amount not to exceed ten thousand dollars (\$10,000) per day for each violation. Additional liability, not to exceed \$10 per gallon, may be imposed for each gallon discharged in excess of 1,000 gallons.
8. On February 11, 2004, the Executive Officer issued Administrative Civil Liability Complaint No. R8-2004-0022 to Holliday Rock, proposing that the Board impose civil liability in the amount of \$70,000 on Holliday Rock for the violations cited above.
9. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 2100 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED that, pursuant to California Water Code Section 13385, administrative civil liability shall be imposed on Holliday Rock Company, Incorporated, in the amount of \$70,000 as proposed in Complaint No. R8-2004-0023 for the violations cited, payable as set forth below.

1. Holliday Rock shall pay the entire amount due to the State Water Resources Control Board by April 12, 2004.

2. The Executive Officer is authorized to refer this matter to the Attorney General for enforcement.

Pursuant to Water Code Section 13320, you may petition the State Water Resources Control Board for review of this Order. If you choose to do so, you must submit the petition to the State Board within 30 days of the Regional Board's adoption of this Order.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on March 12, 2004.

Gerard J. Thibeault
Executive Officer